

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America  
v.  
Waymon Damon Costner

Case: 2:23-mj-30059  
Assigned To : Unassigned  
Assign. Date : 2/9/2023  
CMP: USA v COSTNER (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 13, 2023 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*  
18 U.S.C. § 922(g)(1)

*Offense Description*  
Felon in possession of a Firearm

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: February 9, 2023

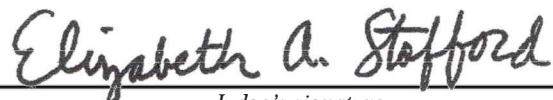
City and state: Detroit, Michigan



*Complainant's signature*

Special Agent Rohit Joshi, A.T.F.

*Printed name and title*



*Judge's signature*

Hon. Elizabeth A. Stafford, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Special Agent Rohit Joshi, being first duly sworn, hereby depose and state as follows:

**I. INTRODUCTION**

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) since August 2016. I am currently assigned to the Detroit, Michigan Field Division, Group I. I am tasked with investigating violations of firearms and narcotics laws. I also have been involved in numerous investigations involving violations of federal firearms and narcotics laws. Prior to my employment with the ATF, I was employed by the Wayne State University Police Department, Detroit, Michigan, for approximately ten years as a Police Officer and Sergeant, which included six years as a Task Force Officer (“TFO”) with the Detroit Police Department’s Commercial Auto Theft Section/Carjacking Unit. During this employment, I investigated violations of State of Michigan laws relating to firearms, narcotics, carjacking, armed robbery, auto theft, insurance fraud, and motor vehicle title fraud. In addition, I have completed both the Criminal Investigator Training Program and Special Agent Basic Training at the Federal Law Enforcement Training Center, and I have completed the Michigan Law Enforcement Basic Training Academy. Through my training, education and experience, I have become familiar with the manner in which criminals operate their

clandestine activities, including drug and firearms traffickers. I also have investigated drug houses and how they operate. In addition, I have experience using undercover informants in narcotics and firearms trafficking investigations.

2. The facts contained in this affidavit are based on my review of information provided to me by or through other law enforcement agents, investigators, informants, witnesses, and individuals with knowledge of this matter, as well as my investigation, and my review of documents. The information outlined below is provided for the limited purpose establishing probable cause in support of the requested Criminal Complaint and does not contain all facts of which I am aware relating to this investigation. This affidavit provides information necessary to establish probable cause that Waymon Damon COSTNER, (Date of Birth: XX-XX-1990), has violated Title 18, United State Code, Section 922(g)(1), possession of a firearm by a convicted felon.

## **II. SUMMARY OF THE INVESTIGATION**

3. On January 13, 2023, Detroit Police Officers Charles Brotzke, Anthony Williams, and Janelle Thomas were on routine patrol in the area of Dickerson Street and Harper Avenue, Detroit, Michigan. The officers pulled into the Marathon gas station located at 13001 Harper Avenue, Detroit, Michigan to provide a “special attention.” Officers observed COSTNER exit the gas station and walk in their direction. Officers observed an imprint of a firearm in COSTNER’s

right front pocket of the hooded sweatshirt COSTNER was wearing. Officers exited their scout car and asked COSTNER if he possessed a Michigan Concealed Pistol License (CPL). COSTNER responded that he did not because he is a felon. Officer Brotzke asked COSTNER if he had a gun, which COSTNER replied that he did not. Officer Brotzke then repeated the question, asking COSTNER if he had a gun, as he was pointing to the gun in COSTNER's pocket. COSTNER stated he did not, but despite denying having a gun, explained that the gun pointed out by the officer was going back in the car. Officer Brotzke then recovered a Smith & Wesson, Model M&P 40 Shield, .40 Caliber, semi-automatic pistol, containing live rounds in the magazine and a round in the chamber. Subsequently, COSTNER was arrested for Carrying a Concealed Weapon (CCW) and transported to the Detroit Detention Center (DDC) for processing.

4. Once COSTNER arrived at the DDC, COSTNER told the officers that he had drugs in his sock. Officer Williams recovered a clear knotted baggie containing suspected cocaine from his sock.

#### **COSTNER's Criminal History**

5. I reviewed a computerized criminal history of COSTNER, which revealed a conviction for the following felonies:

- a. March 2015: Felony-Home Invasion-3<sup>rd</sup> Degree – 3<sup>rd</sup> Circuit Court for Wayne County, Detroit, Michigan; and

b. June 2019: Felony-Narcotics-Possession with intent to Distribute, U.S. Court for the Eastern District of Michigan.

a. As to this conviction, COSTNER was sentenced to prison for a term of 437-days with 48-months of supervised release. His term of supervised release was ongoing as of January 13, 2023 (*See* Case No. 19-cr-20080).

Because COSTNER was convicted of a felony and served more than one year of imprisonment, probable cause exists that COSTNER knew he had been convicted of an offense punishable by more than one year of imprisonment at the time he possessed the above-described firearm in this case.

### **Interstate Nexus**

6. On February 8, 2023, I contacted ATF interstate nexus expert Special Agent (SA) Nathan Triezenberg. SA Triezenberg indicated based on the description provided, Smith & Wesson, Model M&P 40 Shield, .40 Caliber, semi-automatic pistol, was manufactured outside of the State of Michigan, and therefore had traveled in and affected interstate commerce.

### **III. CONCLUSION**

7. Probable cause exists that on or about January 13, 2023, in the Eastern District of Michigan, Southern Division, Waymon Damon COSTNER, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is one (1) Smith & Wesson, Model M&P 40 Shield,

.40 Caliber, semi-automatic pistol, in violation of Title 18, United States Code,  
Section 922(g)(1).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rohit Joshi', with a long horizontal stroke extending to the right.

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Rohit Joshi  
Special Agent, ATF

Sworn to before me in my presence and/or  
by reliable electronic means.

A handwritten signature in black ink, appearing to read 'Elizabeth A. Stafford', written in a cursive style.

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HON. ELIZABETH A. STAFFORD  
UNITED STATES MAGISTRATE JUDGE